



AMERICAN HUMANE

Protecting Children & Animals Since 1877

Testimony of American Humane Association

Before the U.S. House Committee on Ways & Means Subcommittee on Income Security and Family Support *Review the Use of Child Welfare Waiver Demonstration Projects to Promote Child Well-Being*

July 29, 2010

The American Humane Association was founded in 1877 and is the only national organization dedicated to protecting both children and animals. A nonprofit membership organization, American Humane is a national leader in developing programs, policies, training, research and evaluation, and cutting-edge initiatives to prevent and respond to child abuse and neglect.

American Humane works to strengthen families and communities and enhance child protection systems at the state, county and local levels. Part of our strategy is to enhance the ability of local organizations and public agencies to respond effectively to the needs of vulnerable children and families. We accomplish this by providing training for the workforce that addresses issues of child abuse and neglect every day. We also work with child welfare professionals and agencies to improve their systems, so that greater emphasis is placed on processes and results that focus on the best interests of children and their families.

We are pleased to submit this testimony to the Subcommittee on Income Security and Family Support of the House Ways and Means Committee on the use of waiver demonstration projects through Title IV-E of the Social Security Act.

THE ROLE OF WAIVER DEMONSTRATION AUTHORITY

American Humane offers its qualified support for the extension of Title IV-E waiver authority but we condition that support on several critical principles and considerations. First and foremost, any renewal of Title IV-E waiver authority must not serve as a substitute for more significant reforms in child welfare financing. Second, any authority for waivers should be tied to rigorous research and evaluation that can inform future policy and practice. Third, the extension of such waiver authority should not delay investments in practices that are already showing promise, for example Family Group Decision Making (FGDM) and Differential Response.

RESULTS OF PAST TITLE IV-E WAIVERS

States were provided the ability to apply for a waiver of Title IV-E and IV-B provisions as a result of congressional action in 1994. This waiver authority was extended once and then allowed to expire in 2006¹. The waiver allows states to spend federal funds on a wider range of services and activities while not increasing their overall spending over a five year period of the waiver (cost



neutrality). Overall 23 states attempted 32 demonstration or waiver proposals. The most significant and perhaps most successful was the use of Title IV-E funds to implement a Kinship-Guardianship program². Eleven states attempted these demonstration projects with perhaps Illinois being the most well known. The other demonstrations revolved around the use of flexible funding for different services, some provided up front services to families and children while other proposals revolved around specific services such as substance abuse treatment, managed care for children in care, and post adoption services. Overall out of the 32 demonstrations, 9 terminated early. By the end of this calendar year approximately 5 demonstrations will still be in effect. Twenty-one demonstrations involved random assignment studies with the remaining projects using comparison sites, matched studies, pre and post comparisons and time series analysis³.

Of course the use of Title IV-E for the purpose of providing kinship guardianship services is now part of the law under the state option enacted as part of the Fostering Connections Act (PL 110-351). The argument can certainly be made that the waiver encouraged and helped shape this new law. The results of other demonstrations is not as clear with other states having used their demonstrations to implement strategies around specific approaches and services including Family Group Decision Making (FGDM), differential response, family supports and others services such as mental health treatment. States have found success in expanding services to families and children but not always in a cost neutral way. Some of the results have been positive, not just in expanding the levels and types of services provided, but may have reduced the number of placements as well as reduced the length of stay. Other states, such as North Carolina, discontinued its waiver due to the cost neutrality requirements⁴. It can also be difficult to assess the direct impact of the use of waiver funds because there may be additional factors that are having an impact but aren't clearly measured such as changes in the department and political leadership or greater investment in services and the child welfare system through other sources. For example, Florida's Title IV-E waiver provides approximately \$145 million in federal funds while the state invests an addition \$155 million in federal TANF funds and \$94 million in Social Services Block Grant (SSBG) funds into the state's child welfare system⁵.

THE NEED FOR CHILD WELFARE FINANCE REFORM

Through the leadership of Chairman McDermott, members of this Subcommittee and with bipartisan support in both the House and Senate, Congress took some significant strides in finance reform with the enactment of Fostering Connections to Success and Increasing Adoptions Act. The extension of Title IV-E funding to kin families, to tribal governments, to youth up to the age of 21 and the elimination of the link to the Aid to Families with Dependent Children (AFDC) eligibility standard for adoptive children were important extensions.

States are still in the early stages of implementation and we hope that Congress will continue to monitor the progress in implementing this law, especially as the economy recovers and financial resources become more available. At the same time we urge the Congress to take the next steps to make finance reform a reality. We need a finance structure that better addresses the needs of the children and families involved in child welfare including the need to make sure that services and funding can support a continuum from prevention of child abuse to post permanency services.

One area of needed reform is the complete elimination of the link between the AFDC program and foster care and kinship care. Congress has enacted changes that will eliminate this link between



AFDC and adoption assistance, it would be logical to extend this to these two programs. The Administration projects that just 168,000 children in foster care will be covered under Title IV-E in FY 2011⁶ that will leave approximately 250,000 children who will be in care but not covered by federal funding.

An additional critical step is to open funding to prevention and support programs. First is the need to invest in effective approaches that can prevent abuse and neglect. We compliment Congress for taking a significant step in this area by enacting a new home visitation program included in the Affordable Care Act (PL 111-148). This model, which will focus on expanding current evidence-based models, will allow some investment in promising new initiatives and is an important approach to prevention efforts. Another important area in regard to prevention is to assist those families that come into contact with either the protective services or the child welfare agency. We recognize that this is a challenging part of any finance reform since the federal budget is not without limit. There are responsible ways to extend funding to address the need to prevent child abuse and neglect. It needs to be a top priority for this country.

One approach was offered by Chairman McDermott as part of the 2008 Invest in KIDS Act that allowed states some ability to invest in up front services by tying such investments to outcomes and research. Based on our work we believe there are a number of growing promising practices that can maintain child safety while strengthening families. By implementing such practices we can begin to address a number of challenges confronting child welfare systems including the challenges of disproportionality, access to needed services for families, youth aging out of the system and the involvement of fathers in the lives of their children.

RESEARCH AND EVALUATION ON PRACTICE

American Humane's extensive research efforts have been targeted to helping child protection and child welfare agencies and professionals achieve better outcomes for children. Through decades of consultation with state and county public child protection systems, we have developed extensive knowledge and expertise that has helped and continues to help child welfare professionals to present compelling evidence to their decision makers -- and that result in their making the right choices for children and families.

Included in American Humane's work with a variety of governmental and nongovernmental entities in nearly all fifty states and the District of Columbia, is work in the areas of safety and risk assessment, the development of agency/organization evaluation systems, program evaluation, needs assessment, research with state data systems, the development and delivery of training curricula, training evaluation, and the teaching of professionals on how to design and maintain their own evaluation system and the processes that are associated with such activities.

Throughout this work, effective evaluation has been important to building our understanding of what practices succeed in keeping children safe, helping families and enhancing child well-being. We also believe it is important that in implementing these initiatives and practices they be carried out in a way that demonstrates fidelity to key principles and elements. A few examples include FGDM and differential response.



Family Group Decision Making (FGDM)

FGDM is a process in which family members, community members and others collaborate with the child welfare agency that has become involved in the family's life to create a plan for a child or youth. The family members define whom they claim as their family group. Key components include 1) an independent (i.e., non-case-carrying) coordinator, 2) the agency personnel recognize the family group as their key decision-making partner, 3) family groups have the opportunity to meet on their own, without the statutory authorities and other nonfamily members present, 4) when agency concerns are adequately addressed, preference is given to a family group's plan over any other possible plan, and 5) referring agencies support family groups by providing the services and resources necessary to implement the agreed-on plans.

FGDM recognizes the importance of involving family groups in decision making about children who need protection or care, and it can be initiated by child welfare agencies whenever a critical decision about a child is required. This approach positions the family group to lead decision making, and the statutory authorities agree to support family group plans that adequately address agency concerns. The statutory authorities also organize service providers from governmental and non-governmental agencies to access resources for implementing the plans.

FGDM can address long term foster care and enhance relative connections. Studies have shown using FGDM with children and youth who had been in out-of-home (foster) care the longest is a viable option for these children, regardless of their age, behavior, and history in care. Both permanency and family connectedness can be achieved.

For example, in Arizona, a demonstration project (KIN-nections) used FGDM for children who had been in care for five years or more and were in great need of permanency. KIN-nections held 61 family meetings on behalf of 100 children between November 2001 and September 2003. These 100 children had been in foster care for five years or longer or were free for adoption and without an identified adoptive family. An immediate positive finding was that the "value of the extensive and periodic search to solicit family participation was apparent":

- The average number of relatives the *case manager* named at the time of referral was 4.67
- The average number of relatives found in the file by the *facilitator* was 10.30
- The average number of relatives found upon search by the *facilitator* was 15.17
- The average number of relatives attending the conferences was 9.87⁷

Of the group, the average age was 13.7 years, they had an average of 8.94 placements and 62 percent were children of color. At the time of publication:

- Plans were developed for all 100 children
- 68 had permanency plans
- 17 achieved permanency
- 51 have continued relative contact as the only plan after possible placements did not materialize⁸

The study concluded that even in cases in which permanency is not obtained, the establishment or reestablishment of connections with family can be beneficial for years to come and FGDM "is



critical for children in need of permanency, even those who have been legally disconnected from their parents and isolated from extended family...”

FGDM can be cost effective due to decreasing out-of-home placements, stability in foster care, less time in the child protective services (CPS) system, and fewer court hearings.

There is also growing evidence that FGDM can be an effective tool in addressing the overrepresentation of some ethnic or racial groups in the child welfare system, assist youth in care, better coordinate services for families in the child welfare system and increase the role of fathers in the lives of children who come into care.

Differential Response

Another area of promising practice is the use of differential response, also referred to as “dual track,” “multiple track,” or “alternative response.” It is an approach that allows child protective services to respond differently to accepted reports of child abuse and neglect, based on such factors as the type and severity of the alleged maltreatment, number and sources of previous reports, and willingness of the family to participate in services.

A strong example of this practice is in the state of Ohio. The Ohio Alternative Response Pilot Project grew from an initiative of the Supreme Court of Ohio and the Ohio Department of Job and Family Services (ODJFS). Authority for the demonstration was provided by the Ohio Legislature authorizing up to ten counties to pilot the alternative response model. American Humane assisted with planning and implementation.

In June 2010, the Ohio Alternative Response Pilot Project issued its project evaluation for the pilots that ran from July 2008 through December 2009. We have made this report available on our website and have sent Congress information on the finding of this evaluation. This report is one of the most comprehensive and recent analysis of DR. Some of the key findings include:

- More than half of child abuse and neglect reports were determined by local offices to be appropriate for an alternative response family assessment rather than a traditional response investigative assessment.
- Families assigned to the alternative response were among the poorest in Ohio. More than two-thirds of families reported incomes of \$15,000 or less compared to 8% for Ohio families as a whole.
- No evidence was found that replacement of traditional investigations by alternative response family assessments reduced the safety of the children. Children were as safe under alternative response as under traditional approaches.
- Subsequent reporting of families for child abuse and neglect declined under alternative response, particularly among minority families, the most impoverished families in the study.
- Removals and out-of-home placements (foster care) of children declined.
- The cost study showed that full indirect costs measuring worker times were slightly more expensive for alternative response by the end of the evaluation period.
- Familiarity with alternative response among community stakeholders had increased by the end of the Alternative Response Pilot Project period.



- Provision of poverty-related services of various kinds increased under alternative response, such as food and clothing, help with utilities, money to pay rent, help in obtaining appliances and furniture, car repair and transportation, and other financial help.
- Families served through alternative response were more frequently connected to counseling and mental health services⁹.

In addition to these two examples there are other efforts, such as the National Quality Improvement Center on Fatherhood which is testing out practice on how to engage fathers in the lives of their children in foster care and how this can affect children in care. We have also focused much of our work on addressing the child welfare workforce. Through our research in this field we have had the opportunity to understand case services and workload from a unique perspective, as well as to develop a unit costing method for ongoing analysis, budgeting, and planning. This model -- the Workload Analysis and Resource Management (WARM) methodology -- has been used over the years to measure workload in Texas, Maryland, Rhode Island, Kentucky, and Ohio.

RECOMMENDATIONS

Research and Evaluation

Consistent with all of these efforts detailed above is the critical role that research and evaluation have played. Just as Congress and the Administration have laid out some key principles in the implementation of the new home visitation program and the creation of an innovation fund to reduce long term foster care, it is consistent that any waivers going forward should include rigorous research requirements.

American Humane believes that it is important to have in place requirements for random control trials. Under extraordinary conditions other evaluation designs may be permitted but that must include strong comparison groups. It is critical to understand the link between practice and results, especially as it affects child well-being and families. We need to evaluate changes in child welfare beyond the number of children in foster care. It is important to examine critical indicators such as child safety, the number of moves and placements in foster care, re-entry into care, access to services and other critical factors such as the impact on disproportionality and how a waiver funded service or practice influenced these indicators.

Equal Access For Tribes

American Humane also believes that tribal governments or consortia of tribal governments have access to Title IV-E waivers. There may be a need for greater flexibility in these waivers, including a longer time frame to actual start up of the waiver and technical assistance in the development and use of evaluation and research tools.

Cost Neutrality

American Humane suggests that Congress also look at ways to build in greater flexibility in the "cost neutrality" model. A standard that conditions increased investment in year one only if actual costs are reduced in year five may not allow enough time for such policy development and practice changes to have an actual cost effect. In addition, there are some positive results that may not have an immediate (within five years) effect. A reduction in the number of placements for a child, for example, would be a positive outcome for a child but such stability may not equal immediate measurable savings. There are other examples where a family or child may benefit but the financial



measures may not be recognizable. Congress should examine the length allowed to measure “savings” or perhaps allow some flexibility in terms of whether or not all waivers should be absolutely cost neutral.

Replications of Successful Models Should Be Rigorously Evaluated In Regard to Innovation

Similar to the home visitation model now being implemented, fidelity to components of successful programs and practices, such as FGDM and differential response, should be followed. If innovative approaches are tested then there should be a rigorous evaluation of such innovation. It is important that we build on successful initiatives and practices.

Enact Finance Reform

It is important that if Congress extends this waiver authority, it not be viewed as a way to delay more significant reforms. We already know there is a shortfall of support for preventions services and other services and that knowledge should be enough motivation for such reforms. Waivers, even in their early stages can inform your legislative work and if a finance reform package is enacted, they can inform policy at the state and local level.

In closing, we are pleased that the Subcommittee held this hearing this morning. As the Subcommittee, Congress and the Administration move forward in this process we offer our assistance and support in these reform efforts.

American Humane Association

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FOOTNOTES

¹ Committee on Ways and Means, United States House of Representatives. (2008) *2008 Greenbook*. Online: <http://waysandmeans.house.gov/singlepages.aspx?NewsID=10490>.

² Administration for Children and Families, Children’s Bureau. (2010). *Summary of the Title IV-E Waiver Demonstrations*. Online: http://www.acf.hhs.gov/programs/cb/programs_fund/cwwaiver/2010/summary_demo2010.htm.

³ Committee on Ways and Means, United States House of Representatives. (2008) *2008 Greenbook*. Online: <http://waysandmeans.house.gov/singlepages.aspx?NewsID=10490>.

⁴ Ibid.

⁵ DeVoght, K., Allen, T., and Geen, R. (2008). *Federal, state, and local spending to address child abuse in SFY 2006*. Retrieved November 24, 2009, from www.childtrends.org/Files/Child_Trends-2009_02_17_FR_CWFinancePaper.pdf. Washington, DC: Child Trends.

⁶ Department of Health and Human Services. (2010). *Budget in Brief*, (page 82). Washington DC

⁷ Velen, M. & Devine, L. (2005). Use of FGDM with Children in Care the Longest: It’s About Time. *Protecting Children: An Evidence-based Decision-Making Process in Child Welfare*, 19 (4), 25-34.

⁸ Ibid.

⁹ Kaplan, C., Rohm, A. (2010). *Ohio Alternative Response Pilot Project, Final report of the AIM Team: Executive Summary*. American Humane & Institute of Applied Research Minnesota Consultants. Online: <http://www.americanhumane.org/assets/docs/protecting-children/PC-DR-Ohio-AIM-Executive-Summary.pdf>

